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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION OF THE ARIZONA DEPARTMENT OF TRANSPORTATION TO AMEND THE ORDER AND OPINION UNDER ACC DECISION NO. 68812.

ACC Docket No. RR-03639A-06-0217

PETITION TO AMEND ORDER AND OPINION

Comes now the Arizona Department of Transportation, by and through the undersigned, and hereby requests pursuant to A.R.S. § 40-252 the opinion and order in ACC No. RR-03639A-06-0217, ACC Decision No. 68812 be modified to remove the east bound cantilever installation from Decision No. 68812. The basis for the request is set forth more particularly in the attached Memorandum.

Respectfully submitted this 28th day of November, 2008.

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Arizona Corporation Commission DOCKETED

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DOCKETED BY

Terry Goddard, ATTORNEY GENERAL

James R. Redpath

Assistant Attorney General

Attorneys for Arizona Department of

Transportation

MEMORANDUM

This crossing was originally evaluated for a Federal Section 130 Railroad Safety Upgrade project. An initial diagnostic review of this crossing was held on May 21, 2003, by representatives from the Arizona Department of Transportation (ADOT), Arizona Corporation Commission (ACC) and Union Pacific Railroad (UPRR). at that time it was determined to upgrade the warning signals by installing cantilevers and flashing lights over travel lanes in the east and the west bound direction of Ina Road. The ACC issued an Opinion and Order for this work on June 29, 2006. UPRR staff did not schedule the work until this fall. At that time, UPRR signal design staff noted that the existing I-10 overpass structure and the east bound traffic signal lights would block the sight of the proposed east bound cantilever and lights.

A subsequent diagnostic review was held on October 8, 2008, to further review the on-site conditions with respect to the UPRR's impending double track installation and the Federal Section 130 Railroad Safety Upgrade project. The diagnostic team was comprised of representatives from ADOT, ACC, UPRR and Town of Marana and in later communication with the Federal Highway Administration.

The crossing is located east of the I-10 and the Ina Road Traffic Interchange. This poses sight distance restrictions as east bound traffic travels under the interstate bridge, then passes under traffic signals before going over the railroad tracks. It was agreed by the diagnostic team that the east bound cantilever would not be effective in providing adequate and advance warning of a train. It was determined that in the best interest of the motoring public, that the east bound cantilever should be deleted from the project and from the Opinion and Order.

It was agreed that the west bound cantilever should be installed per Agreement No. 1532-91-SPTC as originally planned and order.

Therefore, ADOT requests that the Arizona Corporation Commission make any necessary amendments to remove the eastbound cantilever installation from Decision No. 68812.

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Respectfully submitted this 28th day of November, 2008. 1 Terry Goddard 2 ATTORNEY GENERAL 3 4 James R. Redpath 5 Assistant Attorney General 6 Attorneys for Arizona Department of Transportation 7 8 Original filed this 28th day of November, 9 2008, with: 10 Arizona Corporation Commission 11 1200 W. Washington Street Phoenix, AZ 85007 12 Copy of the foregoing mailed this 28th day of 13 November, 2008, to: 14 John Syers 15 Railroad Engineering Coordinator 16 1655 W. Jackson Street Mail Drop 215P 17 Phoenix, AZ 85007 18 Chris Watson 19 Railroad Crossing Inspector **Arizona Corporation Commission** 20 1200 W. Washington Street Phoenix, AZ 85007 21 22 Brian H. Lehman Supervisor Railroad Safety 23 Arizona Corporation Commission 2200 N. Central Avenue, Suite 300 24 Phoenix, AZ 85004 25 26

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